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23 **IN THE COURT OF APPEALS**  
24 **STATE OF ARIZONA**  
25 **DIVISION TWO**

26 JEREMY AND KIMBERLY HARRIS,

27 Plaintiffs/Cross-Petitioners

28 v.

RICHARD E. GORDON, JUDGE OF THE  
SUPERIOR COURT OF ARIZONA, PIMA  
COUNTY,

Respondent Judge,

No. 2CA-SA 2019-0051

Pima County Superior Court  
No. C20174589

**MOTION FOR AMENDED  
BRIEFING SCHEDULE  
REGARDING CORRECTED**

**CROSS PETITION FOR  
SPECIAL ACTION**

v.

BANNER UNIVERSITY MEDICAL  
CENTER TUCSON CAMPUS, LLC, an  
Arizona Corporation dba BANNER  
UNIVERSITY MEDICAL CENTER  
TUCSON; GEETHA GOPALAKRISHNAN,  
MD; MARIE L. OLSON, MD; EMILY  
NICOLE LAWSON, DO; DEMITRIO J.  
CAMARENA, MD; PRAKASH JOEL  
MATHEW, MD; JASON THOMAS  
ANDERSON, MD; SARAH MOHAMED  
DESOKY, MD; BANNER HEALTH;  
BANNER UNIVERSITY MEDICAL  
GROUP,

Defendants/Real Parties in Interest

On October 25, 2019, Jeremy and Kimberly Harris filed a document entitled  
“Cross Petition for Special Action.” **Despite the title, due to a secretarial error,**  
**this document was NOT the Cross Petition but was instead a duplicate of the**  
**Harris Response to Banner’s Petition for Special Action.** The Harrises also filed  
an Appendix on October 25, 2019 in support of their Cross Petition. On October 25,  
2019 at 11:23 a.m., an email came from [theclerk@appeals2.az.gov](mailto:theclerk@appeals2.az.gov), stating, "In Re:  
2 CA-SA 2019-0051 BANNER UNIVERSITY MEDICAL CENTER v. JEREMY  
AND KIMBERLY HARRIS Appendix to Response And Cross Petition for Special  
Action has been approved for filing in the above mentioned case on 10/25/2019."

1           On November 6, 2019, this Court ordered, “A Cross-Petition for Special  
2 Action having been filed on October 25, 2019, ORDERED: A Response to Cross-  
3 Petition for Special Action shall be filed on or before November 18,  
4 2019.” Respondent Banner filed a response on November 18, 2019, stating that the  
5 Cross Petition was a duplicate of the Harris Response to Banner’s Petition for  
6 Special Action. This was the first time that counsel for the Harris realized the  
7 error that occurred on October 25, 2019.  
8

9  
10           Today, we have filed the “CORRECTED Cross Petition for Special  
11 Action.” This document consists of the Cross Petition that the Harris counsel  
12 believed had been filed on October 25, 2019. This Cross Petition is repeatedly  
13 referred to in the Harris Response to Banner’s Petition for Special Action. Further,  
14 as the Court will see, the Appendix filed on October 25, 2019 contains documents  
15 cited in the Corrected Cross Petition. Undersigned counsel respectfully avows to  
16 the Court that this Cross Petition was fully prepared on October 25, 2019, exactly as  
17 it is filed today.  
18  
19  
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21           For all these reasons, Cross Petitioners Harris respectfully ask this Court to  
22 enter a new scheduling order requiring a Response and Reply to the CORRECTED  
23 Cross Petition. As Cross Petitioners have previously stated in their Response to  
24 Banner’s Petition for Special Action, if this Court should grant jurisdiction to  
25 consider Banner’s Special Action, justice and efficiency require that this Court also  
26 consider the Harris Cross Petition.  
27  
28

1 Counsel for the Harrises apologize to the Court and counsel for Banner for the  
2 secretarial error that occurred on October 25, 2019 and for all inconvenience this  
3 may have caused.  
4

5 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of November, 2019.

6 LAW OFFICE OF JOJENE MILLS, P.C.  
7

8 By: /s/ JoJene Mills

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1 **CERTIFICATE OF SERVICE**

2 JoJene Mills, being first duly sworn, upon oath states that on the 19<sup>th</sup> day  
3 of November, 2019, she caused the original of the foregoing Motion for Amended  
4 Briefing Schedule Regarding Corrected Cross Petition for Special Action to be  
5 electronically filed with the Arizona Court of Appeals Division Two website and  
6 sent via e-mailing and mailing, via First Class Mail to:  
7

8  
9  
10 Honorable Richard E. Gordon  
11 Judge of the Superior Court Pima  
12 County Superior Court  
13 110 W. Congress Street  
14 Tucson, AZ 85701  
mdimond@sc.pima.gov  
*Respondent Judge*

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6 *Attorneys for Co-Defendants Jeff C. Hoehner and*  
7 *Arizona Pediatric Surgery and Urology, Ltd.*

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\_\_\_\_\_/s/ JoJene Mills